



103 PCT/PTO 17 JAN 2006

PATENT

*HS*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	MINORU MORIYA et al.		
Serial No.:	10/544,261	Case No.:	BY0006P
Filed:	August 3, 2005		
For:	MELANIN-CONCENTRATING HORMONE RECEPTOR ANTAGONISTS CONTAINING PIPERIDINE DERIVATIVES AS THE ACTIVE INGREDIENT		

Art Unit:

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Examiner:

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Mail Stop - Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF  
MISSING REQUIREMENTS UNDER 35 U.S.C. 371  
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

In response to the Notification Of Missing Requirements, dated January 9, 2006, and for which a response is due on March 9, 2006, Applicants are submitting herewith a copy of the Notification and the executed Fee Transmittal form which authorizes a charge of \$130 to the deposit account 13-2755 of Merck & Co., Inc., for the surcharge as specified under 37 C.F.R. 1.16(e).

01/20/2006 STRAHL 00000003 132755 10544261  
01 50:15:27 140.00 DA

Respectfully submitted,

By Catherine D. Fitch  
Catherine D. Fitch, Reg. No. 36,502  
Attorney for Applicants

/agb  
Enclosures

January 13, 2006

Merck & Co., Inc.  
P.O. Box 2000  
Rahway, New Jersey 07065  
(732)594-4283

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.


By Merck & Co., Inc. Date 1/13/2006

Rec'd PPT/PTO 17 JAN 2006

Approved for use through 07/31/2006. OMB 0651-0032  
U. S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
SUBSTITUTE for USPTO SB/17(10-03)"FEE TRANSMITTAL for FY 2003"

<b>FEE TRANSMITTAL</b>  <i>Patent fees are subject to annual revision.</i>		<b>Complete if Known</b>		
		Application Number	10/544,261	
		Filing Date	August 3, 2005	
		First Named Inventor	Minoru Moriya et al.	
		Examiner Name	--	
		Group Art Unit	--	
TOTAL AMOUNT OF PAYMENT		\$130	Attorney Docket Number	BY0006P

METHOD OF PAYMENT	FEE CALCULATION (continued)																																																																																																				
<input checked="" type="checkbox"/> Deposit Account  Deposit Account Number: <span style="border: 1px solid black; padding: 2px;">13-2755</span> Deposit Account Name: <span style="border: 1px solid black; padding: 2px;">Merck &amp; Co., Inc.</span>  The Director is authorized to: <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application	<b>3. ADDITIONAL FEES</b>  <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Fee Code</th> <th style="text-align: left;">Large Entity Fee (\$)</th> <th style="text-align: left;">Fee Description</th> <th style="text-align: left;">Fee Paid</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td></td></tr> <tr><td>1251</td><td>110</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>420</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>950</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1,480</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>2,010</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>330</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>330</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>290</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1452</td><td>110</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453</td><td>1,330</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1501</td><td>1,330</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502</td><td>480</td><td>Design issue fee</td><td></td></tr> <tr><td>1460</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17(q)</td><td></td></tr> <tr><td>1806</td><td>180</td><td>Submission of Information Disclosure Statement</td><td></td></tr> <tr><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>1809</td><td>770</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>1810</td><td>770</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td>1801</td><td>770</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr> <td colspan="3">Other fee (specify) <u>Late fee for submission of declaration</u></td> <td style="text-align: center;">130</td> </tr> <tr> <td colspan="3">Other fee (specify) _____</td> <td></td> </tr> <tr> <td colspan="3" style="text-align: right;"><b>SUBTOTAL(3)</b></td> <td style="text-align: center; border: 1px solid black;"><b>\$130</b></td> </tr> </tbody> </table>	Fee Code	Large Entity Fee (\$)	Fee Description	Fee Paid	1051	130	Surcharge - late filing fee or oath		1812	2,520	For filing a request for <i>ex parte</i> reexamination		1251	110	Extension for reply within first month		1252	420	Extension for reply within second month		1253	950	Extension for reply within third month		1254	1,480	Extension for reply within fourth month		1255	2,010	Extension for reply within fifth month		1401	330	Notice of Appeal		1402	330	Filing a brief in support of an appeal		1403	290	Request for oral hearing		1452	110	Petition to revive - unavoidable		1453	1,330	Petition to revive - unintentional		1501	1,330	Utility issue fee (or reissue)		1502	480	Design issue fee		1460	130	Petitions to the Commissioner		1807	50	Processing fee under 37 CFR 1.17(q)		1806	180	Submission of Information Disclosure Statement		8021	40	Recording each patent assignment per property (times number of properties)		1809	770	Filing a submission after final rejection (37 CFR 1.129(a))		1810	770	For each additional invention to be examined (37 CFR 1.129(b))		1801	770	Request for Continued Examination (RCE)		Other fee (specify) <u>Late fee for submission of declaration</u>			130	Other fee (specify) _____				<b>SUBTOTAL(3)</b>			<b>\$130</b>
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SUBMITTED BY				Complete (if applicable)	
Typed or Printed Name	CATHERINE D. FITCH			Reg. Number	36,502
Signature		Date	01/13/2006	Deposit Account User ID	

IN DUPLICATE

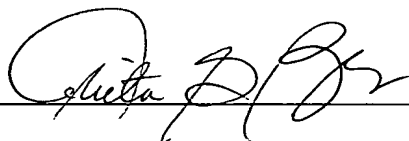
Application Number: 10/544,261  
Filing Date: 08/03/2005  
First Named Inventor: Minoru Moriya et al.  
Group Art Unit: --  
Examiner Name: --  
Attorney Docket Number: BY0006P

**FIRST CLASS MAIL CERTIFICATE**

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450, ON THE DATE APPEARING BELOW.

**MERCK & CO., INC.**

MAILED BY



DATE 01/13/2006

BY0006P



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/544,261	Minoru Moriya	BY0006P

INTERNATIONAL APPLICATION NO.	
PCT/JP04/01326	
I.A. FILING DATE	PRIORITY DATE
02/09/2004	02/10/2003

210  
MERCK AND CO., INC  
P O BOX 2000  
RAHWAY, NJ 07065-0907

JAN 11 2006

CONFIRMATION NO. 1503

## 371 FORMALITIES LETTER



\*OC000000017799937\*

Notice to file  
missing parts -  
Oath or Dec  
Dues  
3-9-06

Date Mailed: 01/09/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 08/03/2005
- English Translation of the IA filed on 08/03/2005
- Copy of the International Search Report filed on 08/03/2005
- Copy of IPE Report filed on 08/03/2005
- Preliminary Amendments filed on 08/03/2005
- Information Disclosure Statements filed on 11/02/2005
- U.S. Basic National Fees filed on 08/03/2005
- Priority Documents filed on 08/03/2005
- Specification filed on 08/03/2005
- Claims filed on 08/03/2005
- Abstracts filed on 08/03/2005

PATENT DEPARTMENT  
JAN 13 2006  
CATHERINE D. FITCH

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

11/12/06  
Folder Pulled

.otal additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/544,261	PCT/JP04/01326	BY0006P